

# **EXHIBIT A**

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

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Michael CARROW, Michael FENNEL, and	:	
Nicholas STEFANOU, <i>individually and on</i>	:	
<i>behalf of all others similarly situated,</i>	:	Civil No. 16-3026 (RBK/JS)
Plaintiffs,	:	<b>ORDER</b>
v.	:	
FEDEX GROUND PACKAGE SYSTEMS,	:	
INC.,	:	
Defendant.	:	
	:	

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**KUGLER**, United States District Judge:

**THIS MATTER** having come before the Court on Plaintiffs Michael Carrow, Michael Fennell, and Nicholas Stefanou's Renewed Motion for Class Certification under Federal Rule of Civil Procedure 23 (Doc. No. 98); and for the reasons expressed in the accompanying Opinion of this date

**IT IS HEREBY ORDERED** that Plaintiffs' motion for class certification is **GRANTED** as to the following class under Federal Rule of Civil Procedure 23(b)(3):

1. All persons who: 1) entered into a FedEx Ground or Home Delivery Operating Agreement, either personally or through a corporate entity; 2) drove a vehicle on a full-time basis to provide package pick-up and delivery services pursuant to the Operating Agreement in any week from April 13, 2010 to June 1, 2017 ("the Class Period"); 3) were dispatched out of a terminal in the state of New Jersey; and 4) who first signed an Operating Agreement after October 15, 2007, or excluded themselves from the certified class in *Tofaute v. FedEx Ground Package System, Inc.*, No. 05-595 (N.D. Ind.).
2. "Full-time basis" means thirty or more hours.

**IT IS FURTHER ORDERED** that Michael Carrow, Michael Fennell, and Nicholas Stefanou are appointed class representatives, and Anthony L. Marchetti, Jr., Harold Lichten, and Matthew W. Thomson are appointed class counsel; and

**THE COURT NOTING** that by its September 30, 2019 Letter Order (Doc. No. 119), the Court administratively terminated Defendant's Motion for Partial Summary Judgment (Doc. No. 107) and Plaintiffs' Motion to Modify the Briefing Schedule (Doc. No. 113), pending the resolution of Plaintiffs' Motion for Class Certification; and

**THE COURT NOTING** that Plaintiffs have filed an Opposition to Defendant's Motion for Partial Summary Judgment (Doc. No. 115); and now that the Court has decided Plaintiffs' Motion for Class Certification

**IT IS HEREBY ORDERED** that the Clerk of Court shall **ADMINISTRATIVELY REACTIVATE** Defendant's Motion for Partial Summary Judgment (Doc. No. 107) and Plaintiffs' Motion to Modify the Briefing Schedule (Doc. No. 113); and that Defendant's Motion for Summary Judgment shall be reset for a motion day of February 3, 2020, such that Defendant may file its Reply on or before January 27, 2020; and that Plaintiffs have leave to file a cross-motion for summary judgment on or before January 27, 2020; and

**IT IS FURTHER ORDERED** that Plaintiffs' Motion to Modify the Briefing Schedule (Doc. No. 113) is **DENIED** as moot.

Dated: December 26, 2019

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge